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 USA, Inc., and HiSilicon Technologies Co. Ltd.*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

HUAWEI TECHNOLOGIES CO., LTD.,  
 HUAWEI DEVICE USA, INC., and  
 HUAWEI TECHNOLOGIES USA, INC.,

Plaintiffs / Counterclaim-Defendants,

v.

SAMSUNG ELECTRONICS CO., LTD.,  
 SAMSUNG ELECTRONICS AMERICA,  
 INC.,

Defendants / Counterclaim-Plaintiffs,

and

SAMSUNG RESEARCH AMERICA,

Defendant,

v.

HISILICON TECHNOLOGIES CO., LTD.,

Counterclaim-Defendant.

Case No. 16-cv-02787-WHO

**HUAWEI'S ADMINISTRATIVE  
 MOTION TO FILE UNDER SEAL  
 PORTIONS OF ITS OPPOSITION TO  
 SAMSUNG'S MOTION TO ENJOIN  
 HUAWEI FROM ENFORCING THE  
 INJUNCTION ISSUED BY THE  
 INTERMEDIATE PEOPLE'S COURT OF  
 SHENZHEN, DECLARATIONS IN  
 SUPPORT THEREOF, AND EXHIBITS  
 THERETO**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiffs and Counterclaim-Defendants Huawei Technologies Co., Ltd., Huawei Device USA, Inc., and Huawei Technologies USA, Inc., and Counterclaim-Defendant HiSilicon Technologies Co., Ltd. (collectively, “Huawei”) bring this administrative motion to file under seal limited portions of Huawei’s Opposition to Samsung’s Motion to Enjoin Huawei from Enforcing the Injunction Issued by the Intermediate People’s Court of Shenzhen (“Huawei’s Opposition”), declarations in support thereof, and exhibits thereto. Huawei certifies that it has reviewed and complied with Judge Orrick’s Standing Order on Administrative Motions to File Under Seal, as well as Civil L.R. 79-5.

Huawei requests an order granting its motion to file under seal the materials in the following table:

<b>Document</b>	<b>Portions to be Filed Under Seal</b>	<b>Party Claiming Confidentiality</b>	<b>Basis for Sealing</b>
Huawei’s Opposition	Highlighted portions on page 3, lines 19-21; page 5, lines 3-5, 7-28; page 6, lines 1, 3-5, 7-15, 21-22, 23-27; page 7, lines 1-6, 8-19, 21-28; page 8, lines 22-25; page 9, lines 1-4, 21-22; page 10, lines 14, 23-25; page 11, lines 1-4, 6-10, 12-23; page 18, line 16; page 19, line 28; page 21, lines 4-5; page 23, lines 4-5; page 24, lines 2-3, 25	Intermediate People’s Court of Shenzhen (“Shenzhen Court”, Huawei, Samsung	Declaration of Xiaowu Zhang in Support of the Administrative Motion to File Under Seal (“Zhang Decl.”) ¶ 5
Declaration of Bin Wang	Highlighted portions on page 5, lines 18-25; page 6, lines 1-28; page 7, lines 2-26; page 8, lines 8-26; page 9, lines 10-27; page 10, lines 1-27; page 11, lines 1-5,	Shenzhen Court	Zhang Decl. ¶ 6

	9-25; page 12, lines 4-27; page 13, lines 1-7		
Exhibits 8-36	Entire Document	Huawei, Samsung	Zhang Decl. ¶ 7

For the convenience of the Court, material over which the Shenzhen Court maintains a claim of confidentiality is highlighted in yellow, and material over which both Huawei and Samsung maintain a claim of confidentiality is highlighted in green.

Non-dispositive motions and related materials may be sealed in the 9th Circuit upon a “particularized showing” under the “good cause” standard of Fed. R. Civ. P. 26(c). *See Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006) (“A ‘good cause’ showing under Rule 26(c) will suffice to keep sealed records attached to non-dispositive motions.”) (quoting *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135-38 (9th Cir. 2003)). In this District, Civil L.R. 79-5(b) requires that the party moving to seal “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” and that the corresponding motion to seal “be narrowly tailored to seek sealing only of sealable material.”

Huawei only seeks to seal information that is either (1) highly confidential, non-public, and competitively sensitive in nature, or (2) subject to a claim of confidentiality by a third party. *See* Zhang Decl. ¶¶ 4-7. Public disclosure of the former category of information would harm Huawei’s competitive standing. *Id.* This sealing request is therefore narrowly tailored to only sealable material and does not indiscriminately seek to seal other, non-sealable portions of Huawei’s Opposition, declarations in support thereof, and exhibits thereto. Huawei therefore respectfully requests that the Court order sealed the materials identified above.

1 Dated: February 20, 2018

Respectfully submitted,

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